

ment, an assignment entitles the assignee to receive, to the extent assigned, only the distribution to which the assignor would be entitled. Except as provided in the articles of organization or an operating agreement, a member ceases to be a member upon assignment of the member's entire membership interest.

Sec. 73. Section 490A.1301, subsection 3, Code 1997, is amended by striking the subsection.

Sec. 74. Sections 487.206, 487.903, and 487.1105, Code 1997, are repealed.

Approved May 26, 1997

CHAPTER 189

SENTENCING OF CERTAIN CRIMINAL OFFENDERS

H.F. 661

AN ACT relating to the adjudication and sentencing of certain criminal offenders, by providing for notice and hearings on reconsiderations of sentence, permitting the presentation of oral victim impact statements at reconsideration of sentence hearings, and eliminating certain sexual offenders from eligibility for suspended or deferred sentences or deferred judgments.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. Section 902.4, Code 1997, is amended to read as follows:
902.4 RECONSIDERATION OF FELON'S SENTENCE.

For a period of ninety days from the date when a person convicted of a felony, other than a class "A" felony or a felony for which a minimum sentence of confinement is imposed, begins to serve a sentence of confinement, the court, on its own motion or on the recommendation of the director of the Iowa department of corrections, may order the person to be returned to the court, at which time the court may review its previous action and reaffirm it or substitute for it any sentence permitted by law. Copies of the order to return the person to the court shall be provided to the attorney for the state, the defendant's attorney, and the defendant. Upon a request of the attorney for the state, the defendant's attorney, or the defendant if the defendant has no attorney, the court may, but is not required to, conduct a hearing on the issue of reconsideration of sentence. The court shall not disclose its decision to reconsider or not to reconsider the sentence of confinement until the date reconsideration is ordered or the date the ninety-day period expires, whichever occurs first. The district court retains jurisdiction for the limited purposes of conducting such review and entering an appropriate order notwithstanding the timely filing of a notice of appeal. The court's final order in the proceeding shall be delivered to the defendant personally or by certified mail. The court's decision to take the action or not to take the action is not subject to appeal. However, for the purposes of appeal, a judgment of conviction of a felony is a final judgment when pronounced.

Sec. 2. Section 907.3, unnumbered paragraph 1, Code 1997, is amended to read as follows:

Pursuant to section 901.5, the trial court may, upon a plea of guilty, a verdict of guilty, or a special verdict upon which a judgment of conviction may be rendered, exercise any of the options contained in this section. However, this section does not apply to a forcible felony

or to a violation of chapter 709 committed by a person who is a mandatory reporter of child abuse under section 232.69 in which the victim is a person who is under the age of eighteen.

Sec. 3. Section 910A.5, subsection 1, paragraph b, Code 1997, is amended to read as follows:

b. A victim may orally present a victim impact statement at the sentencing hearing, in the presence of the defendant, and at any hearing regarding reconsideration of sentence.

Approved May 26, 1997

CHAPTER 190

FEEES AND PENALTIES RELATING TO CORRECTIONS AND LICENSE REVOCATIONS

H.F. 734

AN ACT relating to the criminal and civil justice system by providing for the imposition of a civil penalty for certain motor vehicle license suspensions, revocations, or bars, for the deposit and distribution of penalties and fees collected, and for the imposition and payment of fees for probation and parole, and concerning inmate employment in private industry.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. **NEW SECTION.** 321.218A CIVIL PENALTY — DISPOSITION — REINSTATEMENT.

When the department suspends, revokes, or bars a person's motor vehicle license or non-resident operating privilege for a conviction under this chapter, the department shall assess the person a civil penalty of two hundred dollars. However, for persons age nineteen or under, the civil penalty assessed shall be fifty dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in the general fund of the state. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 2. **NEW SECTION.** 321A.32A CIVIL PENALTY — DISPOSITION — REINSTATEMENT.

When the department suspends, revokes, or bars a person's motor vehicle license or non-resident operating privilege under this chapter, the department shall assess the person a civil penalty of two hundred dollars. However, for persons age nineteen or under, the civil penalty assessed shall be fifty dollars. The money collected by the department under this section shall be transmitted to the treasurer of state who shall deposit the money in the general fund of the state. A temporary restricted license shall not be issued or a motor vehicle license or nonresident operating privilege reinstated until the civil penalty has been paid.

Sec. 3. Section 904.108, subsection 7, Code 1997, is amended to read as follows:

7. The director may charge an inmate a correctional fee for custodial expenses incurred or which may be incurred while the inmate is in the custody of the department. The custodial expenses may include, but are not limited to, board and room, medical and dental fees,